REMARKS

Claims 31-41 are pending in the Application. Claims 31, 32, and 40 are allowed. Claims 31, 32, 40 and 41 are amended hereby only for the purpose of correcting typographical errors.

Claims 33-38 and 41 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over *Goldhaber,* U.S. Patent No. 3,978,614 in view of *Clock et al.,* U.S. Patent No. 3,762,988. The Office Action states in relevant part that "it would have been obvious to one having ordinary skill in the art at the time of the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to *form a window* that not only strong, but that is also virtually tear resistant and distributes loads effectively (sic). Further, the material selection depends upon the environment in which the *window* is going to be used. For instance, if the *window* is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes (emphasis added). "

The invention of Claim 33 is not directed to a window. The invention is directed to a shutter. The statements in the Office Action regarding the allegedly obvious combination of *Goldhaber* and *Clock et al.* in forming a window, as set forth above, are inapplicable to the present invention. Further, the statements in the Office Action

that it would be obvious to combine *Goldhaber* and *Clock et al.* "in order to reflect images such that they are superimposed on one another; thereby improving the image displayed thereon. A lot of windows give double images of display sources" are also irrelevant to this invention, and this statement does not reveal a suggestion or motivation to one skilled in the art to combine these references to form the shutter of Claim 33.

To emphasize the differences between the present invention and the prior art, Claim 33 is amended hereby to state that the present invention is a shutter, and that the shutter is used to cover a window that comprises glass. The present invention incorporates at least three plies of material held together by opposing stiles, resulting in a shutter that is unexpectedly effective in resisting wind-driven missiles. The present invention is used to protect window glass or glazing from breakage; it is not a window. One skilled in the art seeking to make a shutter to protect windows from breakage would not look to the window glass arts, such as *Clock et al.*, which is directed to forming window glass that is subject to breakage. While *Clock et al.* may have superior shatter resistance when compared to other window glass, it is still window glass that can be broken by a missile, whereas the present invention is resistant to breakage by wind-driven missiles, as is more fully set forth herein.

The prior art does not recognize or suggest that the use of at least three planes of material held together by vertical and opposing stiles will yield a window covering of superior strength. It would not be obvious to combine the cited references to produce the window covering for exterior use as required by Claim 33.

The inventors learned that if they formed a sandwich material comprising at least three layers of material, and held the layers of material together by opposing generally vertical stiles, that they could produce a shutter for exterior use having superior resistance to wind-driven missiles, wind borne debris, and static air pressure. As set forth in the Declaration of Harry Rembert, filed pursuant to 37 C.F.R Section 1.132, the inventors "found that the use of vertical stiles extending along the edges of the shutters in addition to the three planes of material, we were able to obtain the strength that is required to meet ASTM standards. The stiles hold the three layers of material together, and add strength. The vertical stiles contact the first, or outer plane of material, the second, or other outer layer of material and force them against the third layer, or core, to form a shutter comprised of a sandwich material. The stile, by holding the three layers of material, adds strength, and this combination led to unexpected results, which allowed us to pass the ASTM standard E1886, ASTM standard E1996, and ASTM standard E330, with this structure. Evidence of this compliance is shown in the attachment from Hurricane Testing Laboratory, Inc., which is attached hereto and incorporated herein by reference." Please see the Rembert Declaration, filed in this case in February, 2005. This declaration establishes an unexpected result from the invention, indicating that the invention is not rendered obvious by the cited references.

Goldhaber teaches a window, and not a shutter. It would not be obvious to one skilled in the art to produce a shutter having superior wind-driven missile resistance based upon the window glass arts in which *Goldhaber* and *Clock et al.* fall.

Claims 33-39 are allowable for these reasons, and for other reasons previously set forth in the prosecution of this case.

Claim 41 also stands rejected over *Goldhaber* in view of *Clock et al.* Claim 41 requires a first plane of material not having uniform thickness, and having at least one void therein, with a portion of the core exposed through the void. It is respectfully submitted that Claim 41 should be allowed, since the prior art does not teach a core which is exposed as a result of a covering plane of material having a void therein. This feature is not shown in *Goldhaber* or *Clock et al.*

Claim 42 is added hereby. Claim 42 depends from Claim 33. Claim 42 requires a hinge that allows the shutter to be rotated by the hinge to position the shutter over the window comprising glass.

It is respectfully submitted that Claims 31-42 are in condition for allowance. Review and allowance at the earliest possible date is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Response to the Official Action dated May 18, 2005, and Post Card are being deposited with the United States Postal Service in an envelope with sufficient first class postage thereon, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of September 2005.

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